
Appeal Decision

Site visit made on 4 February 2020

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State.

Decision date: Thursday, 12 March 2020

Appeal Ref: APP/J3015/W/19/3241943

Land on the North West side of Waverley Avenue, Beeston, Nottingham NG9 1HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Georgina Mabel against the decision of Broxtowe Borough Council.
 - The application Ref 19/00314/FUL, dated 15 May 2019, was refused by notice dated 10 October 2019.
 - The development proposed is erection of a new apartment block containing 4no 2-bed units and 2no 1- bed units.
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Decision

1. The appeal is allowed, and planning permission granted to erect a new apartment block containing 4no 2-bed units and 2no 1-be units in accordance with the details contained in planning application, Council ref: 19/00314/FUL, dated 15 May 2019, subject to the conditions set out in the schedule attached to this decision.

Procedural Matters

2. The Council adopted the Broxtowe Part 2 Local Plan (BP2LP) on 16 October 2019, after it determined the application. The Council advises that Policy T11 of the Broxtowe Local Plan (BLP) (2004), was superseded by the adoption of the BP2LP. I will therefore consider the appeal proposal against the provisions of the Broxtowe Aligned Core Strategy (BACS), (2014) and the newly adopted BP2LP.

Main Issues

3. The main issues are the effect of the development on i) the character and appearance of the area and ii) the living conditions of nearby residents, having regard to parking provision.

Reasons

Character and appearance

4. Policy 10 of the BACS and Policy 17 of the BP2LP are relevant to this appeal. Both these policies seek, amongst other things, to ensure that new buildings are designed to make a positive contribution to the area within which they are

- located, create attractive, safe, inclusive and healthy environments, integrate into their surroundings and have good access to public transport.
5. The appeal proposal is located on a prominent corner position at a traffic intersection close to the centre of Beeston. The site is vacant, having been occupied by a building used by scouts, and surrounded by advertising hoardings. Two of the other three corners of the junction are occupied by buildings.
 6. The building is designed to make the most of its location by turning the corner between Station Road and Waverley Avenue and joining up development between these two streets. It has a central access which emphasises its corner position, together with a canopied porch. The use of balconies set back behind a parapet wall and hipped roofs at the ends of the building all add to its quality. The materials from which it is proposed to be constructed, whilst being clearly contemporary, through the use of cladding and powder coated window frames would also reflect the character of the area through the use of red brick. Other detailing such as the use of metal railings and raised planting beds at the front reinforce the quality of the development. The appeal proposal would result in a well-designed building which respects its location. For these reasons I find the appeal proposal would make a positive contribution to this part of Beeston
 7. The rear of the development has been well designed to integrate with its surroundings by reducing the possibility of the occupants of the upper floors of the building overlooking No 4 Waverley Road and No 198 Station Road to an unacceptable degree through the use of oriel windows.
 8. I find that the appeal proposal would make a positive contribution to the locality and integrate well with its surroundings. I therefore conclude that it would have an acceptable effect on the character and appearance of the area, in accordance with Policy 10 of the BACS and Policy 17 of the BP2LP(the development plan) which seek amongst other things to ensure that developments make a positive contribution to the area within which they are located.

Living conditions, having regard to parking provision

9. Policy 10 of BACS requires, amongst other things, all new developments to be designed to reflect the need to reduce the dominance of motor vehicles. Policy 17 of the BP2LP encourages all new developments which have good access to public transport.
10. The site lies within easy walking distance of tram and bus stops, a train station, and the centre of Beeston where a wide range of facilities are available. Furthermore, it is situated opposite a small supermarket. In these respects, the site has a good level of accessibility to facilities and services and as such development would accord with Policy 17 of the BP2LP.
11. I acknowledge the concern of local residents regarding the use of on street parking in the area by the occupants of the proposed flats. However, I find that two parking spaces is adequate for a location that is well served by public transport, makes provision for bicycles and has good access to local services. Whilst it would be open to the occupiers of the proposed flats to own a car and this could impact on the availability of parking spaces in the surrounding residential streets. I find that any harm to the living conditions of those living

in these streets would be outweighed by the development of a vacant plot with a well-designed building in a sustainable location. The site is dominated by the proposed building with the car parking area clearly subservient to the building and located to the rear. The development plan BP2LP and the BACS reinforces this approach by supporting development that has good access to public transport and reduces the dominance of private cars in new developments.

12. With regard to harm to the living conditions of neighbouring residential occupiers caused by an increase in on street parking due to inadequate parking provision within the appeal proposal. I find that whilst there could be an increase in on street parking in the vicinity of the appeal proposal this is not sufficient to outweigh the benefits of the proposal, especially when assessed against the policies of the development plan. These are designed to support proposals that have good access to public transport, make a positive contribution to the area within which they are located and reduce the dominance of the private car. I therefore find that in terms of this main issue the proposal is in accordance with Policy 10 of the BP2LP and Policy 17 of the BACS the development plan for the area.

Conditions

13. I have considered the conditions suggested by the Council in the light of the relevant tests. In addition to the standard time limit, conditions to secure car and bicycle parking are necessary to ensure the satisfactory future operation of the development. Conditions relating to materials and landscaping are necessary in the interests of the character and appearance of the area. A floor levels condition is necessary to ensure the development would be flood resilient, and noise mitigation measures are necessary in the interests of the living conditions of future occupiers.

Conclusion

14. I find that, having regard to all matters before me, including the policies of the development plan, when read as a whole, the appeal should be allowed.

Peter Mark Sturgess

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development shall be constructed in accordance with the following plans: 2598(08)001; 2598(08)002; 2598(08) 003 rev A; 2598(08)E01 rev B (showing the canopy on front elevation); 2598(08) E02 rev B (showing the widened access on elevation to Waverley Road); 2598(08)GFL rev D (showing the widen access on ground floor plan); 2598(08)FFL rev C; 2598(08)2FL rev C; 2598(08)RPL rev A; 2598(08)SO1.
- 3) No building operations shall be carried out until details of the manufacturer, type, colour and finish of the bricks, tiles, cladding and window frames to be used in the facing elevations and dormers have been submitted to and approved in writing by the local planning

- authority. The development shall be constructed in accordance with the approved details.
- 4) No above ground development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include; numbers, types, sizes and positions of the proposed shrubs; details (including materials) of the hard surfacing treatment and details of the areas to be seeded or turfed.
 - 5) The approved landscaping works shall be carried out not later than the first planting season following substantial completion of the building or occupation of the first flat, whichever is sooner.
 - 6) Any trees or plants which die, have become seriously damaged or diseased or are removed within a period of 5 years shall be replaced in the next planting season with ones of similar size and species.
 - 7) None of the flats shall be occupied until space has been laid out and surfaced within the site in accordance with drawing no. 2598(8) GFL rev D for 2 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and for bicycles to be parked on the site.
 - 8) The car parking spaces hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the flats and their visitors and for no other purpose.
 - 9) The development shall be carried out in accordance with the submitted flood risk assessment (FRA) (reference FRA-MA 10992-R01) and the finished floor levels set no lower than 27.84 above Ordnance Datum (AOD); and the flood resilience construction measures, set out in the FRA, shall be incorporated throughout the development. The mitigation measures set out in the FRA shall be fully implemented prior to the occupation of the first flat and shall be retained and maintained throughout the life of the development.
 - 10) The development shall be carried out in accordance with the noise mitigation measures detailed in sections 7.5 and 7.6 of the Acute Acoustics Ltd Noise Assessment dated 17 May 2019 and these measures shall be retained throughout the life of the building.